

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-v-

**NOTICE OF MOTION**

DISMARIS CASTRO

07 Cr. 452

Defendant.  
-----X

PLEASE TAKE NOTICE, that upon the attached affirmation of *Jorge Guttlein, Esq.*, the exhibits thereto, the Affidavit of Dismaris Castro, the accompanying memorandum of law and all the prior proceedings had herein, the defendant *Dismaris Castro* (hereinafter the “defendant”) will move this Court before *United States District Judge Denise L. Cote* at the United States Courthouse, located at 500 Pearl Street, new York, New York on May 2, 2008 at 9:30 a.m. in the forenoon or as soon thereafter as counsel may be heard, for the following relief:

1. Compelling the government to provide a witness list prior to trial and to disclose the identity of the confidential information(s) to the defense prior to trial;
2. Suppression of evidence obtained in violation of the Fourth, Fifth and Sixth Amendments to the Constitution;
3. Compelling the government to state officially in advance of trial whether it intends to offer other crimes or wrong “acts” evidence *pursuant to FRE 404(b)*, and if so, ordering a pre-trial hearing to determine the admissibility of that evidence;

4. Compelling the government to provide the defendant, prior trial, with all material which would exculpate him or mitigate his culpability pursuant to *Brady v. Maryland*, 323 U.S. 83 (1963); see also *Giglio v. United States*, 405 U.S. 150 (1972);
5. While the defendant, *Dismaris Castro* relies upon the government's Fed. R. Crim. P. Rule 16(a) letter submitted January 25, 2008, the government has stated it will provide all materials to be disclosed under *Brady v. Maryland*, 323 U.S. 83 (1963) and its progeny;
6. Defendant, *Dismaris Castro* relies upon representation of the government in the afore-described Rule 16 letter that it will supply discovery on a continuing basis. While it is anticipated that the government will abide by these representation, the right is hereby reserved to make further motions for such material if the need arises;
7. Defendant, *Dismaris Castro* further reserves the right to make any appropriate motions predicated upon information contained in the discovery material not yet provided;
8. Granting defendant, *Dismaris Castro* such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
April 18, 2008

Respectfully submitted,  
JORGE GUTTLEIN & ASSOCIATES, P.C.  
*Attorneys for*  
DISMARIS CASTRO

By \_\_\_\_\_/s/\_\_\_\_\_  
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United States Courthouse  
500 Pearl Street  
New York, New York 10007

Honorable Denise L. Cote  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007